

**Enrolled Minutes of the Fifty-Ninth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, June 07, 2010**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 07, 2010 at 6:50 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the rationale for purchasing a Chevy Tahoe as requested by the Metropolitan Police Department. The purchase was to be supported by proceeds from a special Federal Grant dealing with sexual predators. The matter would be taken up as Works Board Order No. 2010-19.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 07, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer was present to memorialize the proceedings.

The session was opened with the Town Councilor Brian Novak leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Peter T. Hojnicky, Metropolitan Police Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kenneth J. Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; and Cecile Petro, Redevelopment Director were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 17 May 2010 were approved by general consent.

Special Orders:

1. Reconsideration of Petition to Vacate a Public Way or Easement. Petition filed by Albert N. Kosior, 8933 Grace Street, Highland, requesting the vacation of public way, a platted

easement located at the back of his property listed at the same address, pursuant to IC 36-7-3-12. Petition filed 27 April 2010.

- (a) A public hearing was conducted at the Meeting of May 17, 2010. At that time the acting Town Attorney stated that the Proofs of Publication were in compliance with IC 5-3-1 and IC 36-7-3-12(c).
- (b) Reconsideration of introduced **Ordinance No. 1460**: An Ordinance to vacate a Public Way or Easement. *At the meeting of May 17, the ordinance was considered at the same meeting of its introduction. Upon a vote for adoption, there were three affirmatives and one negative. The vote was non-dispositive since for the adoption of the ordinances at the same meeting of introduction required four affirmative votes. However, after introduction, a majority (three votes) is sufficient for passage. The ordinance is now before the Town Council for its consideration and dispositive action.*

Councilor Kuiper moved the passage and adoption of Ordinance No. 1460. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted. The easement was vacated.

ORDINANCE No. 1460
of the
TOWN OF HIGHLAND, INDIANA

AN ORDINANCE VACATING A PUBLIC WAY, PLACE OR EASEMENT PURSUANT TO INDIANA CODE 36-7-3 CHAPTERS 12 AND 16.

WHEREAS, The Town Council of the Town of Highland is the Municipal Legislative Body of the unit; and

WHEREAS, **Albert N. Kosior, Jr.**, has filed a petition with the Clerk-Treasurer as clerk of the municipal legislative body, requesting a public hearing on the matter of vacation of a public way, place or easement, the legal description of which is set forth herein; and

WHEREAS, The municipal clerk has caused through the petitioner, notice to be given in the manner prescribed in I.C. 5-3-1, as well as by certified mail to each owner of land that abuts the property proposed to be vacated, and such hearing has been conducted; and

WHEREAS, The Town Council desires to execute a vacation of the aforementioned public way, place or easement pursuant to Indiana Code 36-7-3 et sequitur;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, as follows:

Section 1. That the Town of Highland, by and through its Town Council of the Town of Highland, Lake County, Indiana hereby vacates and forever releases all right, title and interest in and to the following described public way, place or easement to **Albert N. Kosior, Jr.**, 8933 Grace Street, Highland, Lake County, Indiana:

A public way which is an easement that abuts and is contiguous to the rear of the petitioner's property located at **8933 Grace Street**, Highland, Lake County, Indiana, which public way or alley is further described as follows:

The East fifteen feet (15') of the West tow hundred sixty-five feet (265') of Lot 2 of the Hixon Addition to the Town of Highland, as recorded on Plat Book 27, Page 559, in the Office of the Lake County Recorder, such easement, all in the Town of Highland, Lake County, Indiana.

Section 2. That the Town Council further finds and determines:

(A) That the vacation would not hinder growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous;

(B) That the vacation would not make access to the contiguous lands or lands of any aggrieved persons by means of a public way or difficult or inconvenient;

(C) The vacation would not hinder the public's access to a church, school, or other public building or place;

(D) The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous;

Section 3. That this ordinance will be in full force and effect from and after its passage and adoption, subject and pursuant to provisions of I.C. 37-7-3-12(f).

Introduced and Filed on the 17th day of May 2010. Consideration on First Reading Sustained a vote of 4 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8. The vote for adoption **at the same meeting of introduction** sustained a vote of 3 affirmatives and 1 negative. The ordinance was not adopted at the same meeting of introduction.

DULY REJECTED / ORDAINED AND ADOPTED, pursuant to IC 36-5-2-9.6, this 7th day of June 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Communications:

1. **Controlled Event Permit Request.** Action regarding a letter presenting a request for permission to conduct a beer garden on a public way submitted by Chamber of Commerce for the Midwest Zest Fest, September 10 through September 12, 2010. *This is a controlled event under Chapter 119. Section §119.02 requires action by the Town Council in an open regular or special session. Request is timely as it is filed at least 60 days before the desired event. The Council will also need to fix the amount of liability insurance, pursuant to § 119.02 (D). Pursuant to that section, the Town Council has previously directed that the applicant procure liability insurance for the event which names the Town of Highland as an additional insured in the amount of Three million dollars (\$3,000,000) and provide a certificate or proof of this insurance before the event.*

Councilor Zemen moved to approve and grant the permit for a controlled event as requested, provided the Chamber of Commerce as permittee procure liability insurance in the additional insured amount of three million dollars, naming the Town of Highland as an additional insured. Councilor Novak seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Zemen, Novak and Herak voting in the affirmative and Councilors Vassar and Kuiper voting in the negative, the motion passed. The controlled event permit was granted.

Unfinished Business and General Orders:

1. **Works Board Order No. 2010-18:** An Order of the Works Board Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Dell Computers for ten (10) Dell Latitude E6410 Laptop Computers, pursuant to IC 5-22 and §31.18(C) of the Municipal Code.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2010-18. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2010-18**

AN ORDER APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO ENTER INTO A PURCHASE AGREEMENT WITH DELL COMPUTERS FOR TEN (10) DELL LATITUDE E6410 LAPTOP COMPUTERS, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief has previously determined a need to replace certain equipment and supplies and has further determined that since the unit price will likely be below \$25,000.00, no quotes from vendors was or will be sought, but instead a purchase of ten (10) Dell Latitude E6410 laptop computers, will be made in open market, pursuant to Section § 31.20 (G) (2) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief has previously identified Dell Computers, to be a desirable source vendor for the purchase of ten (10) Dell Latitude E6410 laptop computers, at a unit price of \$2,184.72 for each laptop, but a total contract price of \$21,847.20, plus shipping and handling, pursuant to Section § 31.20 (G) (2) of the Highland Municipal Code;

Whereas, The contract price for the purchase of the foregoing is in excess of \$10,000 and, pursuant to §31.18(C) as well as §31.19(B)(1)(b) of the Highland Municipal Code, does require the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The purchase will supported by a duly approved appropriation in the **Municipal Cumulative Capital Development Fund**; and

Whereas, The Town Council now desires to approve and authorize the Metropolitan Police Chief to enter into a purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1 That the Works Board hereby finds and determines that the purchase as an individual purchase represents a duly executed **small purchase** pursuant to IC 5-22 and §31.20(G) (2) of the Highland Municipal Code;

Section 2. That the purchase of ten (10) Dell Latitude E6410 laptop computers, at a unit price of \$2,184.72 for each laptop, but a total contract price of **\$21,847.20**, plus any shipping and handling, is hereby authorized and approved;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

Be it So Ordered.

DULY, PASSED, ADOPTED AND Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 7th day of June 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2010-19:** An Order of the Works Board Approving and Authorizing the Metropolitan Police Chief to Enter into a Purchase Agreement with Christenson Chevrolet for a 2010 Chevrolet Tahoe, pursuant to IC 5-22 and §31.18(C) of the Municipal Code.

Councilor Novak moved the passage and adoption of Works Board Order No. 2010-19. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Works Board Order was adopted.

**Town of Highland
Board of Works
Order of the Works Board 2010-19**

AN ORDER APPROVING AND AUTHORIZING THE METROPOLITAN POLICE CHIEF TO ENTER INTO A PURCHASE AGREEMENT WITH CHRISTENSON CHEVROLET FOR A 2010 CHEVROLET TAHOE, PURSUANT TO IC 5-22 AND §31.18(C) OF THE MUNICIPAL CODE.

Whereas, The Town of Highland Metropolitan Police Department, as part of its public duties, has responsibility for patrol, public safety and protection of life and property throughout the Town of Highland and, from time to time, it is necessary to purchase and or lease materials and supplies in order to carryout the functions of the department; and

Whereas, The Metropolitan Police Chief has previously determined a need to purchase certain equipment and supplies in conjunction with the application of the Child Sexual Predator Grant and has further determined that since the unit price will be in excess of \$25,000.00 and not more than \$75,000.00, quotes were sought from three persons known to deal in this line or class of equipment, pursuant to Section § 31.20 (F)(1) of the Highland Municipal Code;

Whereas, The Metropolitan Police Chief through his designee did mail an invitation to quote at least seven days before the time fixed for receiving quotes, pursuant to Section § 31.20 (F)(2) of the Highland Municipal Code, with the following results;

<u>Bidder</u>	<u>Unit Cost</u>
Christenson Chevrolet	\$30,500.00
Smith Chevrolet	No response
Ridgeway Chevrolet	No Response

Whereas, The Metropolitan Police Chief has identified Christenson Chevrolet as the lowest responsible and responsive offeror for this line or class of equipment, pursuant to Section § 31.20 (F)(3) of the Highland Municipal Code;

Whereas, The contract price for the purchase of the foregoing is in excess of \$10,000 and, pursuant to §31.18(C) as well as §31.19(B)(1)(b) of the Highland Municipal Code, does require the express approval of the purchasing agency; and

Whereas, The Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(2) of the Highland Municipal Code serves as purchasing agency for the Metropolitan Police Department; and

Whereas, The Metropolitan Police Chief, pursuant to §31.19(D)(2) of the Highland Municipal Code, serves as the Purchasing Agent for the Metropolitan Police Department; and

Whereas, The purchase will supported by a duly approved appropriation in the **Child Sexual Predator Grant Fund**; and

Whereas, The Town Council now desires to approve and authorize the Metropolitan Police Chief to enter into a purchase agreement pursuant to the terms stated herein,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board of Municipality:

Section 1. That the Works Board hereby finds and determines that the purchase is in excess of \$25,000.00 but not more than \$75,000.00 and did require quote invitations pursuant to IC 5-22 and §31.20(F)(1) of the Highland Municipal Code;

Section 2. That the purchase of a 2010 Chevrolet Tahoe with a special service equipment package, at a unit price of **\$30,500.00**, plus any shipping and handling, is hereby authorized and approved;

Section 3. That the Metropolitan Police Chief is now authorized and approved to execute the purchase agreement and any additional documents in order to implement this purchase and then file these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14;

Be it So Ordered.

DULY, PASSED, ADOPTED AND Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14th day of June 2010 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Resolution No. 2010-23:** A RESOLUTION FIXING MONDAY, June 21, 2010 AS THE TIME FOR A PUBLIC HEARING FOR RECEIVING REMONSTRANCES AND OBJECTIONS FROM PERSONS INTERESTED IN OR AFFECTED BY THE DESIGNATION OF AN ECONOMIC REVITALIZATION (PROPERTY TAX ABATEMENT) AREA

Councilor Kuiper moved the passage and adoption of Resolution No. 2010-23. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Resolution was adopted.

TOWN OF HIGHLAND, INDIANA
RESOLUTION No. 2010-23

A RESOLUTION FIXING MONDAY, June 21, 2010 AS THE TIME FOR A PUBLIC HEARING FOR RECEIVING REMONSTRANCES AND OBJECTIONS FROM PERSONS INTERESTED IN OR AFFECTED BY THE DESIGNATION OF AN ECONOMIC REVITALIZATION (PROPERTY TAX ABATEMENT) AREA

WHEREAS, Indiana Code 6-1.1-12.1; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, The Act provides that such Economic Revitalization Areas are areas within the Town which have:

"...become undesirable for, or impossible of, normal development, and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property", and

WHEREAS, The Act empowers the Town Council to designate Economic Revitalization Areas within the Town by following a procedure hearing and confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution, and

WHEREAS, The Highland Redevelopment Commission desires to have the Real Estate located at 2440 45th Street designated as an *Economic Revitalization Area* for the purpose of offering property tax savings as an incentive to facilitate rehabilitation and expansion of the building at this location; and

WHEREAS, The Town Council has considered the following objectives in making a decision about Economic Revitalization Area designation:

Effective utilization of vacant urban land; rehabilitation and replacement of structures and facilities that are technologically, economically or energy obsolete located in areas where obsolescence may lead to a decline in employment and tax revenues; retention of existing jobs and creation of new jobs; and

WHEREAS, Implementation of the Economic Revitalization Area is intended to, in time, increase the property tax base of the Town of Highland, retain and create jobs and meet the Town's development objectives, and

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. The Highland Town Council will consider designating the Real Estate which is the subject of this Resolution as an Economic Revitalization Area as that term is defined in Indiana Code 6-1.1-12.1; as amended, (the "Act"). Final designation as an Economic Revitalization Area will occur only upon adoption of a Final Economic Revitalization Area Resolution confirming this Preliminary Resolution.

Section 2. The Final Resolution designating an Economic Revitalization Area may establish general standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives of the area and a fee for filing an application sufficient to defray actual processing and administrative costs.

Section 3. The Town Council hereby fixes **7:00 PM, Monday, June 21, 2010**, in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving remonstrances and objections from persons interested in or affected by the designation of a Economic Revitalization Area and directs the publication of notice of said hearing in accordance with the requirements of applicable law. At this hearing, the Town Council will take action relative to this Preliminary Resolution and determine whether the Real Estate should be declared an Economic Revitalization Area.

DULY RESOLVED and ADOPTED this 7th Day of June, 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

EXHIBIT A

Legal Description of 2440 Forty-Fifth Street

Lots #1 of the Brent Addition in the Town of Highland, Indiana
Lake County Parcel #45-07-33-101-005.000-026

Graphic follows on the next page



4. Action to approve the addition of the property at 8745 Cottage Grove Avenue, Highland to the property and casualty insurance plan. Section §31.18(D) of the Municipal Code provides that the Town Council has "exclusive authority to approve purchases of insurance of any type or term..."The additional premium is \$93.00 with the Traveler's Policy currently in effect for the municipality.

Councilor Zemen moved to authorize and ratify the addition of the above-described property to the property and casualty plan of the municipality. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The addition of the property to the property and casualty insurance plan was approved and ratified.

5. **Proposed Ordinance No. 1462.1431-C:** An Ordinance to Amend A Section of Chapter Fifty-One of the Highland Municipal Code, Particularly Amending Accident Report Service Charges, Pursuant to IC 36-1-3 et seq. and other relevant Statutes.

Councilor Vassar introduced and moved the consideration of Ordinance No. 1462.1431-C at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Ordinance No. 1462.1431-C at the same meeting of its introduction. Councilor Zemen seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**Ordinance No. 1462.1431-C
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND A SECTION OF CHAPTER FIFTY-ONE of the HIGHLAND MUNICIPAL CODE, PARTICULARLY AMENDING ACCIDENT REPORT SERVICE CHARGES, PURSUANT TO IC 36-1-3 ET SEQ. AND OTHER RELEVANT STATUTES.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, IC 36-1-3-8(6) further provides that a unit does not have power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services ;and

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, unrelated to the course of a lawful arrest or criminal processing, including but not limited to services such as immigration processing fingerprinting, elective protective fingerprinting of minor children for parents or employment processing fingerprinting, as well as limited *background checks*; and

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, related to the course of a lawful arrest or criminal processing, particularly related to bondable offenses, but for which added time and paperwork ensue and some convenience is provided in permitting avoidance of incarceration at the County Jail; and

Whereas, The Town Board of Metropolitan Police Commissioners has advised the legislative body that a change of the several service charges, established in part to recover costs occasioned by the municipality in the performance of these services, with such charges to be receipted and paid to the municipal treasury, would be desirable in the administration of the municipality and of benefit to the public;

Whereas, The Town Council believes that such fees either being changed or established for first time, all established in part to recover costs occasioned by the municipality in the performance of these services, would be necessary or desirable in the administration of the municipality and of benefit to the public;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by repealing the section § 51.64 in its entirety and replacing it with a new section, to be numbered as § 51.64, which shall read as follows:

§ 51.64 SCHEDULE OF CHARGES AND FEES

(A) The service charges as set forth and contained in the following Schedule of Charges is fixed pursuant to IC 9-29-11-1(a), which provides that the fee may not be less than \$5.00:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:

Accident Report Fee provided for a resident:	\$20.00
Accident Report Fee provided for a non-resident:	\$25.00
Accident Report Fee provided for through an on-line provider:	\$25.00 8.00*

***The on-line provider may impose a fee in addition the authorized service charge associated with providing the on-line access.**

(B) The Town Clerk-Treasurer (fiscal officer) shall receipt the fees into the fund defined by I.C. 5-2-8-2, the Law Enforcement Continuing Education and Training Fund.

Section 2 Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 7th day of June 2010. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 7th Day of June 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Proposed Ordinance No. 1464.1455-A:** An Ordinance to Further Amend the terms related to the Rainy Day Fund of the Town of Highland, pursuant to IC 36-1-8-5.1. This amendment will permit the use of resources of this fund for demolition, debris removal and restoration services. This is being sought by the Town Council President.

Councilor Vassar introduced and moved the consideration of Ordinance No. 1464.1455-A at the same meeting of its introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Zemen introduced and moved the consideration of Ordinance No. 1464.1455-A at the same meeting of its introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

**ORDINANCE NO. 1464.1455-A
of the
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE TO FURTHER AMEND THE TERMS RELATED TO THE RAINY DAY FUND OF THE
TOWN OF HIGHLAND, PURSUANT TO IC 36-1-8-5.1**

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund; and,

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund by the adoption of an ordinance specifying the purposes of the fund and the sources of funding for the fund; and,

WHEREAS, IC 36-1-8-5.1(f) provides that the state department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of the political subdivision; and,

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has heretofore determined that it would be desirable to establish a rainy day fund and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-8-5, and has done so by the adoption of *Ordinance No. 1423*, as amended by *Ordinance No. 1429.1423-A and 1455*; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to re-establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1 _____ The Highland Municipal Code is hereby amended by adding a new Chapter or subchapter to be numbered _____ and to be entitled: **Rainy Day Fund**, which shall read as follows:

RAINY DAY FUND

§ XXX.01 ESTABLISHMENT

(A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the Rainy Day Fund, pursuant to IC 36-1-8-5.1 et seq.

(B) The Rainy Day Fund is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, including meeting exigencies as herein may be defined and such other purposes permitted by IC 36-1-8-5.1 and as are identified in this subchapter.

(C) The sources of funding for the Rainy Day Fund may include the following:

1. Unused and unencumbered funds transferred pursuant to and identified in IC 36-1-8-5; IC 6-3.5-1.1-21.1; IC 6-3.5-6-17.3; or IC 6-3.5-7-17.3.
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. An appropriation in the annual budget in the several funds of the municipality as maybe identified and approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provision of IC 36-1-8-5.1(d);
4. *Unassigned fund balances* which may be identified in the several funds of the municipality, as maybe approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provision of IC 36-1-8-5.1(d); and

(D) The Rainy Day Fund is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) In any fiscal year, the Town Council may transfer not more than ten percent (10%) of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the Rainy Day Fund as authorized by IC 36-1-8-5.1.

(F) The Rainy Day Fund is established and remains in effect until such time as the fund is repealed or rescinded by action of the Town Council.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(A) Expenditures from the Rainy Day Fund shall only be used for the following purposes:

1. To make temporary transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt as provided in IC 36-1-8-4;
2. To pay the deductibles on insurance not already provided for in other funds of the municipality;
3. To pay monetary settlements, damages or claims in consequence of a legal cause of action;
4. To pay and provide resources for the reimbursement of costs borne by municipal employees for medical infertility services subject to the ordinance which may authorize and establish such an employee group benefit;

5. To pay expenses related to repairs of the emergency and weather warning siren system of the Town not already provided for in other funds of the municipality;
6. To pay expenses related to special consulting for fiscal affairs particularly associated with cost of governmental services, costs analysis and related analysis and review;
7. To pay expenses related to the acquisition of real property and improvements by the Municipality not already provided for in other funds of the municipality;
8. **To pay expenses related to demolition, debris removal and restoration services on real property and improvements owned or leased by the municipality, not already provided for in other funds of the municipality;**

(B) Notwithstanding IC 36-5-2-9.6, the *affirmative vote of four (4) members* of the Town Council is necessary for the following uses of the fund:

1. To pay the deductibles on insurance not already provided for in other funds of the municipality;
2. To pay monetary settlements, damages or claims in consequence of a legal cause of action;
3. To pay expenses related to repairs of the emergency and weather warning siren system of the Town not already provided for in other funds of the municipality;
4. To pay expenses related to the acquisition of real property and improvements by the Municipality not already provided for in other funds of the municipality;

§ XXX.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the Rainy Day Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ XXX.04 INVESTMENTS AUTHORIZED

Money in the Rainy Day Fund may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

All unused and unencumbered cash on deposit to the credit of the Rainy Day Fund does not revert to the corporation general fund nor to any other fund but shall remain with the Rainy Day Fund until such time as an ordinance is passed and adopted regarding its disposition. Notwithstanding IC 36-5-2-9.6, an ordinance abolishing and defeasing the Rainy Day Fund and authorizes a transfer of any remaining unexpended, unencumbered assets of the fund to a particular fund, must be passed by at least four (4) members of the Town Council.

Section 2. That the fund established by Ordinance No. 1356, and re-established by Ordinances No. 1408 as amended by *Ordinance No. 1423*, as further amended by *Ordinance No. 1429.1423-A*, and 1455, named the Rainy Day Fund, which exists at the time of the adoption of this ordinance, has continuity of existence. The cash on deposit to the credit of the fund established by *Ordinance No. 1423*, as further amended by *Ordinance No. 1429.1423-A and 1455*, as well as all its assets and liabilities, held prior to the passage and adoption of this ordinance, remains with the fund. Further, the cash on deposit to the credit of the fund is hereby found to be an approved source of money for the fund.

Section 3. That any and all such ordinances in conflict with the provisions of this ordinance, including Ordinance No. 1356 and re-established by Ordinance No. 1408, as amended by *Ordinance No. 1423*, as still further amended by *Ordinance No. 1429.1423-A*, and 1455, subject to Section 2 of this ordinance, are hereby repealed and are of no further force or effect. *The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the codification of the particular provisions of this ordinance.*

Section 4. That this ordinance again establishing, a Rainy Day Fund, be filed with the Department of Local Government Finance (DLGF), by the Town Clerk-Treasurer pursuant to a memorandum and instruction promulgated by the Commissioner of DLGF in 2009.

Section 5. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 7th day of June 2010. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 7th day of June 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

7. Authorization for the proper officer to publish legal notice for a hearing on proposed additional appropriations in excess of the 2010 Budget for the Capital Cumulative Improvement (CCI) Fund in the amount of \$175,000; Major Moves Fund in the amount of \$79,553.52 and in the Special Events Non-reverting Fund in the amount of \$1,200.

Councilor Zemen moved that the proper officer be authorized to publish notice as indicated. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The legal notice for the additional appropriation hearing was approved.

NEW BUSINESS

Amend Agenda. Councilor Kuiper moved that the agenda be amended to permit consideration of a request to the Town Clerk-Treasurer that he compose and send a letter of thanks to Prompt Ambulance Inc., for its recent donation of a de-commissioned ambulance for use by the Volunteers in Policing Services (VIPS) Program. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Agenda was amended.

Consideration of a request to the Town Clerk-Treasurer that he compose and send a letter of thanks to Prompt Ambulance Inc., for its recent donation of a de-commissioned ambulance for use by the Volunteers in Policing Services (VIPS) Program. Councilor Kuiper moved that the Clerk-Treasurer be requested to compose and sent the letter as indicated. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The request for writing a letter of appreciation was approved.

Comments from the Town Council Members (For the Good of the Order)

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison* • *Town Board of Metropolitan Police Commissioners* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Chair the Select Centennial Commission* • *Chamber of Commerce, Liaison.*

Councilor Zemen commented favorably on the Parks and Recreation Department's engagement of Skillman Corporation for its Project Management Services associated with the Lincoln Community Center Reconstruction.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison* • *Plan Commission member.*

Councilor Vassar recognized the Redevelopment Director who commented on the possible desirability of determining economic revitalization areas as a policy and not in conjunction with specific petitions for property tax abatement.

Councilor Vassar recognized the Building Commissioner who commented on pending business of the municipal Plan Commission.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Traffic Safety Commission Member.*

Councilor Novak thanked the Fire Chief for guiding Councilor Novak on a tour of the Little Calumet River Flood Protection Levee.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper noted favorably the use by the Highland Fire Department of the House located at 3315 Ridge Road, Highland for fire training.

- **Councilor Mark Herak:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Council President Herak reported that the Cline Avenue Reconstruction and the associated bridge repair was delayed owing to a strike by the Ironworkers.

Comments from the Public or Visitors

1. Ron Mysliwy, 2620 40th Place, Highland, reported that he and his neighbors were experiencing problems with raccoons rummaging in the area. He suggested that some were in some people's attics.

The Metropolitan Police Chief indicated that he would meet with Mr. Mysliwy following the meeting about the matter.

Payment of Accounts Payable Vouchers. Councilor Kuiper moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period May 18, 2010 through to June 07, 2010. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$417,757.56; Motor Vehicle Highway and Street (MVH) Fund, \$20,942.21; Local Road and Street Fund, \$210.74; Forfeited and Seized Assets Fund, \$91.17; Law Enforcement Continuing Education and Training Fund, \$1,615.54; Flexible Savings Account (FSA) Agency Fund, \$435.34; Insurance Premium Agency Fund, \$115,578.64; Information and Communications Technology Fund, \$5,887.43; Civil Donation Fund, \$462.18; Special Events Non Reverting Fund, \$743.53; Centennial Commission Fund, \$4,867.80 Police Pension Fund, 56,985.68; Cumulative Capital Improvement Fund, \$1,425.00; Municipal Cumulative Capital Development Fund, \$49,370.89; General Improvement Fund, \$72.00; Safe Neighborhood Fund, \$2,000.00; Municipal Cumulative Street Fund, \$7,971.00; Sexual Predator Grant Fund, \$584.02; Gaming Revenue Sharing Fund, \$669,207.33; Payroll Fund, \$11.05; Total: \$1,356,219.11.

Adjournment. Councilor Kuiper moved that the regular meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, June 07, 2010** was adjourned at 7:43 O'clock p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, June 07, 2010 at 7:50 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Brian Novak and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained. Councilor Vassar departed at 7:55 p.m.

General Substance of Matters Discussed.

1. The Town Council met with Ms. Christine Cash, 9515 Kennedy Avenue, Highland who had contacted the Town Council President about her interest in being appointed to the Lake County Convention and Visitors Bureau.

Ms. Christine Cash represented that she thirty years of experience in the Hotel/Motel business. She further revealed that she was a manager associated with the Ramada Conference Center and the Dynasty Banquet Hall in north Hammond. She still further noted that she had been the Hammond Mayor's appointee to the Lake County and Visitor's Bureau.

The discussion included inquiries by the Town Council regarding her description of her previous service on the board, her impressions of the current compensation of employees, and her professional relationship while on the Board with the President and CEO of the LCCVB.

The discussion also included a review of Ms. Cash's opinion about the need to enhance the marketing efforts of the Board. Ms. Cash revealed that she did not believe that she had any schedule conflicts that would interfere in her attendance and participation on the Board if appointed.

Finally, the discussion included an exploration of the manner and frequency of reporting that the Town Council President and the Town Council may wish to have from the appointee if Ms. Cash were to be appointed.

There being no further business before the Town Council, the Study Session following the regular meeting of Monday, June 7, 2010, was adjourned at 8:25 p.m. o'clock.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer